

ENVIRONMENTAL ADVOCATES
CHRISTOPHER A. SPROUL #126398
csproul@enviroadvocates.com
JODENE ISAACS #226895
jisaacs@enviroadvocates.com
5135 Anza Street
San Francisco, CA 94121
Telephone: (415) 533-3376, (510) 847-3467
Facsimile: (415) 358-5694

LAWYERS FOR CLEAN WATER, INC.
DREVET HUNT #240487
drev@lawyersforcleanwater.com
1004 O'Reilly Avenue, Suite A
San Francisco, CA 94129
Telephone: (415) 440-6520

Attorneys for Plaintiffs OUR CHILDREN'S EARTH
FOUNDATION and ECOLOGICAL RIGHTS FOUNDATION

PILLSBURY WINTHROP SHAW PITTMAN LLP
SARAH G. FLANAGAN #70845
sarah.flanagan@pillsburylaw.com
Four Embarcadero Center, 22nd Floor
San Francisco, CA 94111
Telephone: (415) 983-1000

DIANNE L. SWEENEY #187198
dianne@pillsburylaw.com
2550 Hanover Street
Palo Alto, CA 94304-1115
Telephone: (650) 233-4500

Attorneys for Defendant THE BOARD OF TRUSTEES
OF THE LELAND STANFORD JUNIOR UNIVERSITY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

OUR CHILDREN'S EARTH)	
FOUNDATION, a non-profit corporation,)	Civil Case No.: CV 14-1201-VC
and ECOLOGICAL RIGHTS)	
FOUNDATION, a non-profit corporation)	STIPULATION AND [PROPOSED]
)	ORDER FOR CONTINUATION OF THE
Plaintiffs,)	STAY OF THE LITIGATION
vs.)	DENIED BY COURT
)	
LELAND STANFORD JUNIOR)	
UNIVERSITY)	
Defendant.)	

1 Plaintiffs Ecological Rights Foundation and Our Children's Earth Foundation
2 (collectively, "Plaintiffs") and Defendant The Board of Trustees of the Leland Stanford Junior
3 University ("Stanford") (Plaintiffs and Stanford are referred to collectively as the "Parties" or
4 individually as the "Party"), by and through their counsel of record, hereby stipulate as
5 follows:

6 WHEREAS, Magistrate Judge Laporte, who is presiding over a separate Endangered
7 Species Act lawsuit involving the same Parties (Civil Case No.: CV 13-0402-EDL), directed
8 the Parties to participate in a Settlement Conference with Magistrate Judge Ryu and that
9 Settlement Conference took place on January 7, 2016;

10 WHEREAS, with the assistance of Magistrate Judge Ryu, the Parties achieved a
11 resolution of the lawsuit before Magistrate Judge Laporte and this lawsuit, involving a
12 continuation of the stay in this case while Stanford completes the process underway to secure
13 the required regulatory authorizations for modification of the Jasper Ridge Road Crossing and
14 removal of the Lagunita Diversion Dam, at which time Plaintiffs will dismiss the case with
15 prejudice;

16 WHEREAS, the parties now submit this stipulation and proposed order in furtherance
17 of their settlement agreement, setting forth a summary of the terms that support continuation of
18 the stay of the litigation until issuance of the required regulatory authorizations for
19 modification of the Jasper Ridge Road Crossing and removal of the Lagunita Diversion Dam;
20 and

21 WHEREAS, by entering into this Stipulation, the Parties specifically acknowledge that
22 this Stipulation does not constitute any concessions as to the strength or weakness of any
23 Party's claims or defenses or the sufficiency or necessity of the proposed modification of the
24 Jasper Ridge Road Crossing or removal of the Lagunita Diversion Dam.

25 NOW THEREFORE, the Parties stipulate as follows:

26 1. Stanford submitted the applications for the required regulatory authorizations
27 for the planned modifications to the Jasper Ridge Low Flow Crossing on December 18, 2015,
28

1 and shall submit the applications for the required regulatory authorizations for the planned
2 removal of the Lagunita Diversion Dam before September 2016.

3 2. During the permitting process, Stanford shall provide Plaintiffs with copies of
4 the applications referenced in Paragraph 1 and copies of the regulatory agency responses to
5 such submittals.

6 3. In light of the foregoing and with the Court's approval, the Parties request that
7 this lawsuit should be stayed until the regulatory authorizations referred to in Paragraph 1
8 above are secured by Stanford ("Stay").

9 4. Once every four months during the Stay, on or before the 15th day of the fourth
10 month, the Parties shall provide a joint progress report to the Court that summarizes material
11 developments with respect to the proposed modification of the Jasper Ridge Road Crossing
12 and the planned removal of the Lagunita Diversion Dam.

13 5. The Stay shall remain in effect until the regulatory authorizations for the
14 proposed modification of the Jasper Ridge Road Crossing and the planned removal of the
15 Lagunita Diversion Dam are secured by Stanford, at which time Plaintiffs shall dismiss this
16 lawsuit with prejudice.

17 Dated: January 27, 2016

/s/ Christopher Sproul

Christopher Sproul
Attorney for Plaintiffs Our Children's Earth
Foundation and Ecological Rights
Foundation

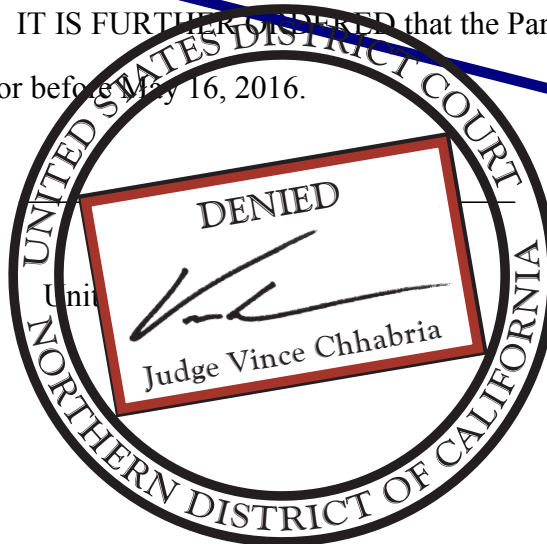
/s/ Sarah G. Flanagan

Sarah G. Flanagan
Attorneys for Defendant The Board of
Trustees of the Leland Stanford Junior
University

[Proposed] Order

PURSUANT TO STIPULATION AND FOR GOOD CAUSE SHOWN, IT IS SO ORDERED. This lawsuit is hereby stayed until the regulatory authorizations referred to in Paragraph 1 above are secured by Stanford. IT IS FURTHER ORDERED that the Parties shall file their first joint progress report on or before May 16, 2016.

Date: January 28, 2016



The parties are required to appear for the scheduled further case management conference on February 9, 2016 at 1:30 p.m.